

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DICK JPW

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/642,350
		Filing Date	August 15, 2003
		First Named Inventor	Spencer B. Dick
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	11	Attorney Docket Number	PAI 308B

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Exhibit A; 2. Exhibit B; 3. Declaration of Pamela A. Knight; and 4. return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	Pierre C. Van Rysselberghe		
Date	June 1, 2005	Reg. No.	33,557

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Pamela A. Knight	Date	June 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 06 2005

PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE
TRANSMITTAL**
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/642,350
Filing Date	August 15, 2003
First Named Inventor	Spencer B. Dick
Art Unit	
Examiner Name	
Attorney Docket Number	PAI 308B

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 11-1540:
- petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ 130.00 is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
§ 1.57(a) - to accord a filing date.
§ 1.182 - for decision on a question not specifically provided for.
§ 1.183 - to suspend the rules.
§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

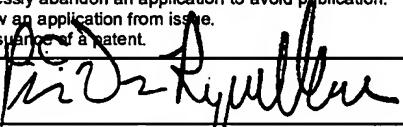
For petitions filed under:

- § 1.12 - for access to an assignment record.
§ 1.14 - for access to an application.
§ 1.47 - for filing by other than all the inventors or a person not the inventor.
§ 1.59 - for expungement of information.
§ 1.103(a) - to suspend action in an application.
§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
§ 1.295 - for review of refusal to publish a statutory invention registration.
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
§ 1.560(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
§ 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
§ 5.12 - for expedited handling of a foreign filing license.
§ 5.16 - for changing the scope of a license.
§ 5.26 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
§ 1.84 - for accepting color drawings or photographs.
§ 1.91 - for entry of a model or exhibit.
§ 1.102(d) - to make an application special.
§ 1.138(c) - to expressly abandon an application to avoid publication.
§ 1.313 - to withdraw an application from issue.
§ 1.314 - to defer issuance of a patent.


Signature

Pierre C. Van Rysselberghe

Typed or printed name

June 1, 2005

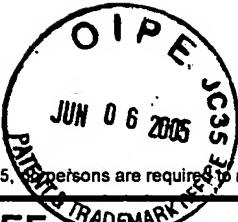
Date

33,557

Registration No., if applicable

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/642,350
Filing Date	August 15, 2003
First Named Inventor	Spencer B. Dick
Art Unit	
Examiner Name	
Attorney Docket Number	PAI 308B

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Payment of Fees (small entity amounts are NOT available for the petition fees)

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 petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
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Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

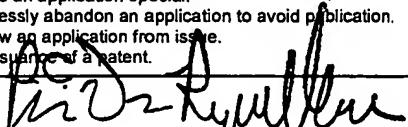
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- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


Signature

Pierre C. Van Rysselberghe

Typed or printed name

June 1, 2005

Date

33,557

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take .5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

SPENCER B. DICK



June 1, 2005

Serial No. : 10/642,350 Our File – PAI 308B

Filed : August 15, 2003

For : CARRIAGE AND RAIL ASSEMBLY FOR A
LINEAR POSITIONING SYSTEM

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

PETITION TO WITHDRAW NOTICE OF
ABANDONMENT PURSUANT TO 37 C.F.R. § 1.181

Applicant submits this Petition to Withdraw Notice of Abandonment Pursuant to 37 C.F.R. § 1.181 for reinstatement of the application and resetting the time period within which applicant may respond to the Notice to File Missing Parts.

On August 15, 2003, applicant filed the above-identified patent application as a "missing parts" application. Applicant's undersigned attorney received our return receipt postcard stamped with a Serial Number and filing date (attached as Exhibit A). The return receipt postcard indicated that the transmittal (Exhibit B) was received. The transmittal shows the proper correspondence address for applicant's attorney. Applicant then filed on January 27, 2004 an Information Disclosure Statement and on May 27, 2004, a Supplemental Information Disclosure Statement. Applicant received return receipt postcards stamped by the Patent Office for both Information Disclosure Statements. To date, applicant has not received a filing receipt or a Notice to File Missing Parts of a Nonprovisional Application.

On May 18, 2005, applicant's undersigned attorney's office telephoned the Office of Initial Patent Examination inquiring about the status of this application. The Office informed us that a Notice of Abandonment was issued in October, 2004. (See attached

Page 1 - PETITION TO WITHDRAW NOTICE OF ABANDONMENT ...
Serial No. 10/642,350

06/07/2005 JBALMAN 00000103 10642350
01 FC:1464

Declaration of Pamela A. Knight.) The Office stated the reason for the abandonment notice was because they had no record of an address on file when the patent application was initially filed. When a further inquiry was made, we were informed that the application was stamped with a "lost transmittal."

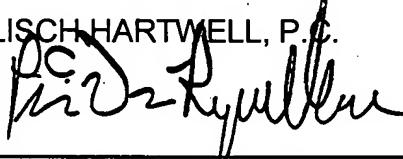
A properly completed form PTO/SB/05 (05-03) Utility Patent Application Transmittal (Exhibit B) was filed along with the patent application. This transmittal lists the name of the attorney, the name of the firm and the address of the person handling this case. A return receipt postcard listing all components submitted for filing accompanied the application which also lists the firm name and address. The Patent Office stamp of a Serial Number and Filing Date indicates receipt of all components listed on that postcard.

Accordingly, applicant hereby requests reinstatement of the above-identified application and resetting of the time period for which applicant may respond to the Notice to File Missing Parts of Nonprovisional Application. Enclosed is our check in the amount of \$130.00 covering the petition fee as required by 37 C.F.R. § 1.17(h). Please credit any overpayment or charge any required fees to our Deposit Account No. 11-1540. A duplicate of this sheet is enclosed.

Please contact applicant's undersigned attorney if anything further is required.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Pierre C. Van Rysselberghe
Registration No. 33,557
Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
of Attorneys for Applicants/Assignee

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 1, 2005.



Pamela A. Knight

Date of Signature: June 1, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

SPENCER B. DICK

Serial No. : 10/642,350

Filed : August 15, 2003

For : CARRIAGE AND RAIL ASSEMBLY FOR A
LINEAR POSITIONING SYSTEM

June 1, 2005



Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

DECLARATION OF PAMELA A. KNIGHT

I, Pamela A. Knight, declare as follows:

1. I am employed with Kolisch Hartwell, P.C. and the assistant to Pierre C. Van Rysselberghe, the attorney handling the above-identified patent application.
2. I assembled and mailed the above-identified application on August 15, 2003 which included a return receipt postcard, patent application transmittal, patent application and three sheets of drawings.
3. On May 18, 2005, I telephoned the Patent Office inquiring about the status of the above-identified application because we did not receive a filing receipt or a Notice to File Missing Parts. I was transferred to the Office of Initial Patent Examination. The person I spoke with was Sherry Haywood. When I inquired as to the status, she told me that the application was abandoned. She stated that they received the application with no transmittal. I told her we received a stamped return receipt postcard indicating they had received everything. She also informed me that on November 12, 2003, they generated a Notice to File Missing Parts and put it in the file. I brought to her attention that we filed two Information Disclosure Statements on January 27, 2004 and May 27, 2004 which included all pertinent contact information. She informed me that they are not

looked at, but merely put in the file. She stated that on October 28, 2004 a Notice of Abandonment was generated and put in the file.

I so declare under penalty of perjury.

Date:

June 1, 2005

Pamela A. Knight

Pamela A. Knight



KOLISCH HARTWELL, PC
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204

AUG 25 2003



PATENT

SN/Pat. No. _____ KH File No. PAI 308B Atty/Sec. PVR:pak

Applicant(s) Spencer B Dick Date 8/15/03

Title CARRIAGE AND RAIL ASSEMBLY FOR A LINEAR POSITIONING

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon: **SYSTEM**

PA w/ 3 sheets of drawings

Transmittal

Declaration / Power of Attorney

Small Entity Status

Assignment

Extension of Time _____ mos.

Response to OA dated: _____

Correction of Filing Receipt

Issue Fee /Publication Fee

Maintenance Fee No. _____

Request and Certification for Nonpublication

03916 U.S. PTO

Information Disclosure Statement (with PTO-1449 form and references)

10/642350

Other _____



Other _____

DOCKETED

08/15/03

Check for \$ _____

By TE Date 9/23/03

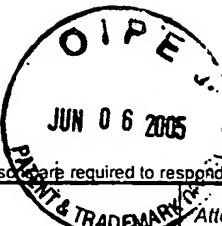
Certificate of Mailing _____ First Class Express Mail No. EV315138627US

BEST AVAILABLE COPY

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))



Attorney Docket No.	PAI 308B
First Inventor	Spencer B. Dick
Title	CARRIAGE AND RAIL ASSEMBLY FOR A LINEAR POSITIONING SYSTEM
Express Mail Label No.	EV315138627US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 12]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
- Oath or Declaration [Total Sheets 1]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Reader Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1499 Copies of IDS Citations
13.
14. Preliminary Amendment Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label 23581 OR Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	Pierre C. Van Rysselberghe				
Address	Kolisch Hartwell, P.C. 520 S.W.Yamhill Street, Suite 200				
City	Portland	State	Oregon	Zip Code	97204
Country	United States	Telephone	(503) 224-6655	Fax	(503) 295-6679

Name (Print/Type)	Pierre C. Van Rysselberghe	Registration No. (Attorney/Agent)	33,557
Signature			
	Date	08/15/2003	

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